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April 8, 2022

VIA ECF

The Honorable Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: United States v. Martin Silver, S1 20 Cr. 360 (AKH)

Dear Judge Hellerstein:

We respectfully write on behalf of our client, Martin Silver, in advance of Monday's sentencing of David Hu in the above-captioned case to clarify briefly the factual record as it pertains to the conduct of Mr. Silver.

The government's sentencing submission with respect to Mr. Hu jointly attributes certain conduct taking place between 2013 and 2018 to "the defendant and Silver." See Dkt. No. 73, Sentencing Submission by USA, pp. 5-7. Although we appreciate that the government's submission is focused on Mr. Hu and may not intend to draw comparisons between Mr. Hu and Mr. Silver, we believe Mr. Silver's role with respect to certain transactions, including TFT's purchase of VRF loans, the CLO Trust's purchase of loans in the TOF portfolio, and GTFF's and STFF's purchase of assets from TOF and the CLO Trust, warrants clarification. For a better understanding of Mr. Silver's role in those transactions, we respectfully direct the Court's attention to the colloquy between Your Honor and Mr. Silver at his change of plea hearing on April 13, 2021, in which Mr. Silver explained his involvement in the conspiracy during that time period. See Dkt. No. 46, Transcript of Guilty Plea, pp. 19-28, attached as Exhibit A.

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We look forward to elaborating on Mr. Silver's conduct in connection with his upcoming sentencing.

Sincerely,

/s/ _____

Bradley J. Bondi / Nola B. Heller

cc: AUSAs Alex Rossmiller, Drew Skinner, and Negar Tekeei